

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN PENNSYLVANIA

03-121

UNITED STATES OF AMERICA

VS.

JOHN A. HAVEY

Defendant

Criminal Action No. 03-121

MOTION FOR A NEW TRIAL

U.S. DISTRICT COURT
WESTERN DISTRICT OF PA.
JUL 11 2007


**MOTION FOR A NEW TRIAL PURSUANT TO FEDERAL RULE OF CRIMINAL
PROCEDURE 33 (b) (1) NEWLY DISCOVERED EVIDENCE AND
MEMORANDUM IN SUPPORT THEREOF**

And now comes John A. Havey, Pro Se, and respectfully represents the following in support of the motion:

1. On February 11, 2005 the jury in the above captioned case returned a guilty verdict.
2. A Notice of Appeal was timely filed and a Panel decision affirming the district court was entered on April 12, 2007.
3. A Petition for Rehearing was filed on May 16, 2007 and is pending.
4. In late February, 2006 while in the process of reviewing documents for appellate counsel, Havey discovered a copy of a check to the I.R.S. dated April 7, 1997. (Exhibit A)
5. Reference to the check was made in the Motion For Release Pending Appeal and a copy attached thereto.

Wherefore, Mr. Havey respectfully requests the court to order a hearing on this motion and set aside the sentence and judgment herein and to grant him a new trial.

Respectfully submitted,


John A. Havey, Pro Se
2310 Virginia Avenue
Aliquippa, PA 15001
724-622-5631

6/11/07
after careful consideration,
denied.
Honetta F. Ambrose